

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4127 of 2018

Swaminathan

S/o Sankara Narayanan

.. Petitioner

-vs-

1. The Secretary to Government
Health and Family Welfare Department
Fort St.George
Chennai 600 009

2. The Director of Medical &
Rural Health Services
Chennai 600 006

3. The Joint Director of Medical Rural Health
Services & Family Welfare Hospital
Kumbakonam

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to complete the disciplinary proceedings initiated against the petitioner pending on the file of the third respondent in Na.Ka.No.2781/CM/2006 dated 16.05.2006, Ref.No.28788/SC/2006 dated 08.09.2007 and R.C.No.2781/SC/2006 dated 09.01.2018 within a reasonable time and further direct the respondents to settle the retirement benefits of the petitioner within a reasonable time.

For Petitioner ::

Mr.T.Ayngaraprabhu

For Respondents::

Mr.R.P.Prathap Singh

Government Advocate

ORDER

The petitioner, while serving as an Audio Metrician in the Government Headquarters Hospital, Kumbakonam, was subjected to face the disciplinary proceedings and consequently he was imposed with the punishment of stoppage of increment for one year with cumulative effect on 23.1.2007 by the Joint Director of Medical Rural Health Services & Family Welfare Hospital, Kumbakonam, the third respondent herein. But the said order was reviewed by the Head of the Department, the second respondent herein and finding certain infirmities/flaws in the order dated

23.1.2007, cancelled the same on 8.9.2017. After cancelling the order of punishment dated 23.1.2007, to rectify the defects, the case was directed to be taken up for revision under Rule 36 of the Tamil Nadu Civil Services (Discipline & Appeal) Rules within a period of six months by the Head of the Department. Since the period of six months also got expired, the Head of the Department had no power to take up the revision, as the Government is the authority to proceed further in the matter, and finally the petitioner was also allowed to retire from service on 9.1.2018 with effect from 31.12.2006. Now the Government has not pass final order being the competent authority. Finding no such order having been passed, he has come to this Court seeking a mandamus to the respondents for quick disposal of the pending disciplinary proceedings.

2. The learned Government Advocate, taking notice on behalf of the respondents, sought three months' time to consider and pass appropriate orders.

3. As the petitioner reached the age of superannuation on 31.12.2006 and the departmental proceeding is pending for a period of more than ten long years almost against him, this Court directs the first respondent to pass appropriate final orders on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Health and Family Welfare Department
Fort St.George, Chennai 600 009
 2. The Director of Medical & Rural Health Services
Chennai 600 006
 3. The Joint Director of Medical Rural Health
Services & Family Welfare Hospital
Kumbakonam
- + 1 cc to Mr.Muthappan, Advocate Sr.14708
+ 1 cc to Government Pleader Sr.14786

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(CS-DR)
EU(16/03/2018)